

020732.173.645 (7495)

## REMARKS

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The claims pending include claims 1-5, 7-13, 27 and 34.

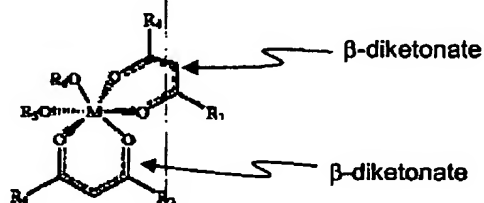
Rejections of Claims

In the September 15, 2006 Office Action, claims 1-5, 7-13, 27 and 34 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states "[I]t is not clear wherein the specification teaching of the metal agent includes at least one metal  $\beta$ -diketonate ligand" (see September 15, 2006 Office Action at page 2, lines 12-14) (emphasis present). Applicant traverses such rejection.

Claim 1 has been amended to recite that the metal agent includes "at least one  $\beta$ -diketonate ligand," which is consistent with the written description of the instant application and the knowledge of one skilled in the art.

Paragraph [0020] recites:

"Embodiments of metal agents which may be employed as described above include metal  $\beta$ -diketonates having structures such as that shown here:



It can clearly be seen that the metal agent includes at least one  $\beta$ -diketonate.<sup>1</sup>

Further, it is well known to those skilled in the art that  $\beta$ -diketonates are ligands. According to Wikipedia, the term "ligand" is defined as "an atom, ion, or molecule . . . that generally donates one or

<sup>1</sup> As recited in MPEP §2163.02, an applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. *Lockwood v. American Airlines, Inc.*, 107 F.3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997).

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more of its electrons through a coordinate covalent bond to, or shares its electrons through a covalent bond with, one or more central atoms or ions" (see, <http://en.wikipedia.org/wiki/Ligand>). Acetylacetonate, the simplest  $\beta$ -diketonate ligand, is listed as a common ligand on the Wikipedia "ligand" webpage.

The Examiner is reminded that the Board has held that "[s]atisfaction of the 'written description' requirement does not require *in haec verba* antecedence in the originally filed application." *Staehelein v. Secher*, 24 USPQ 2d 1513 (B.P.A.I. 1992).

Considered *in toto*, it can be seen that applicant had possession of the invention at the time of filing. Therefore, applicant respectfully requests that the Examiner withdraw the rejection of claims 1-5, 7-13, 27 and 34 under 35 U.S.C. §112, first paragraph.

#### Election/Restriction

Applicant respectfully requests rejoinder of method claims 18-25 and 28-33 upon allowance of the product claims 1-5, 7-13, 27, and 34.<sup>2</sup> Towards that end, withdrawn method claims 18 and 31 have been amended in a manner consistent with the pending product claims. Specifically, claim 18 has been amended to recite a method of forming a CMP pad and as such, includes all of the limitations of the allowable product claims.

#### Fees Payable

The U.S. Patent and Trademark Office is hereby authorized to charge any additional amount due for entry of this amendment, or credit any overpayments, to Deposit Account No. 13-4365 of Moore & Van Allen PLLC.

#### Conclusion

Based on the foregoing, claims 1-5, 7-13, 27, and 34 are in form and condition for allowance. If any additional issues remain, the Examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same.

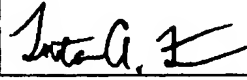
<sup>2</sup> Rejoinder was previously requested in the response to the September 2, 2005 Office Action filed on September 28, 2005 and in the response to the October 17, 2005 Office Action filed on January 17, 2006.

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Respectfully submitted

Date: Dec. 15, 2006

By: \_\_\_\_\_



Tristan Anne Fuierer  
Attorney for Applicants  
Registration No.: 52,926  
Moore & Van Allen PLLC  
Phone: (919) 286-8000  
Facsimile: (919) 286-8199  
Email: fuierert@mvalaw.com